

Brian J. Stretch, SBN 163973
bstretch@sidley.com
Naomi Igra, SBN 269095
naomi.igra@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104
Telephone: +1 415 772 1200
Facsimile: +1 415 772 7400

Jesse Bless (*pro hac vice*)
jbless@aila.org
AMERICAN IMMIGRATION LAWYERS
ASSOCIATION
1331 G Street, Suite 300
Washington, D.C. 20005

John L. Gibbons, SBN 317720
jgibbons@sidley.com
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, D.C. 20005

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IMMIGRANT LEGAL RESOURCE CENTER;
EAST BAY SANCTUARY COVENANT;
COALITION FOR HUMANE IMMIGRANT
RIGHTS; CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INTERNATIONAL RESCUE
COMMITTEE; ONEAMERICA; ASIAN
COUNSELING AND REFERRAL SERVICE;
ILLINOIS COALITION FOR IMMIGRANT
AND REFUGEE RIGHTS,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *under the title of*
Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; UR M. JADDOU, *under the title of*
Director; U.S. CITIZENSHIP &
IMMIGRATION SERVICES,

Defendants.

Case No. 4:20-cv-5883-JSW

**JOINT STATUS REPORT AND
STIPULATED REQUEST TO CONTINUE
ABEYANCE AND ORDER THEREON**

JURY TRIAL DEMANDED

1 Subject to the Court's approval and pursuant to Local Rule 7-12, the parties through their
2 undersigned counsel of record hereby stipulate and request as follows:

3 1. On February 10, 2021, the Court ordered that the case be "stayed, and all proceedings
4 held in abeyance, to allow defendant the Secretary of Homeland Security to undertake the review
5 contemplated by Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and
6 Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5,
7 2021), signed by the President on February 2, 2021." Dkt. 113, at 4. The Court further ordered that
8 "on or before May 13, 2021, the parties shall file a joint status report indicating whether this case
9 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing
10 the litigation." *Id.* On May 15, 2021, the Court entered an order approving the parties' joint request
11 to hold this case and all proceedings in abeyance. Dkt. 117, at 4. The Court further ordered that "on
12 or before September 10, 2021, the parties shall file a joint status report indicating whether this case
13 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing
14 the litigation." *Id.* On September 9, 2021, the Court entered an order approving the parties' joint
15 request to hold this case and all proceedings in abeyance. Dkt 119, at 5. The Court further ordered
16 that "by the earlier of January 14, 2022, or within two weeks of the defendants' publication of an
17 NPRM or notification to plaintiffs that no proposal will be forthcoming, the parties shall file a joint
18 status report indicating whether this case and all proceedings should continue to be held in abeyance
19 or proposing a schedule for continuing the litigation." *Id.*

20 2. Defendants have represented that they are now working toward a July 2022
21 publication date for the fee rule NPRM. In light of defendants' timeline, the parties request that the
22 Court continue to hold this case and all proceedings in abeyance. Furthermore, the parties request
23 that they be permitted to file a joint status report by the earlier of August 1, 2022, or within two
24 weeks of defendants either publishing in the Federal Register a notice of proposed rulemaking
25 regarding a proposed new fee rule or advising plaintiffs that defendants have determined not to
26 propose a new fee rule, indicating whether this case and all proceedings should continue to be held
27 in abeyance or proposing a scheduling for continuing the litigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: January 11, 2022

/s/ Brian J. Stretch

Brian J. Stretch
SIDLEY AUSTIN LLP
Attorney for Plaintiffs

Dated: January 11, 2022

/s/ Julie Straus Harris

Julie Straus Harris
U.S. DEPARTMENT OF JUSTICE
Attorney for Defendants

LOCAL RULE 5-1(i) ATTESTATION


I attest that I have obtained Julie Straus Harris's concurrence in the filing of this document.

/s/ Brian J. Stretch
Brian J. Stretch

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this case shall remain stayed, and all proceedings held in abeyance, to allow defendants to either publish in the Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advise plaintiffs that defendants have determined not to propose a new fee rule. Further, by the earlier of August 1, 2022, or within two weeks of the defendants' publication of an NPRM or notification to plaintiffs that no proposal will be forthcoming, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Date: January 11, 2022


HONORABLE JEFFREY S. WHITE
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of January 2022, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of the filing to all attorneys of record in this case.

/s/ Brian J. Stretch
Brian J. Stretch